

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

15-cr-379 (PKC)

-against-

ORDER

JUAN ORLANDO HERNANDEZ,

Defendant.

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CASTEL, U.S.D.J.

CIPA section 5 requires notice to the government and to the Court of the reasonable expectation of disclosure of classified materials “within the time specified by the court.” The Court set the time for the defendant’s section 5 notice as September 22, 2023, so that the government may consider its options under sections 6 and 7 of CIPA in advance of the February 5, 2024 trial date.

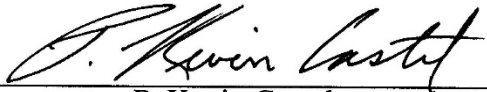
Cleared counsel shall serve the September 22, 2023 section 5 notice on the government forthwith, together with any portion of the August 9, 2023 submission not previously transmitted to the government that cleared counsel considers part of its section 5 notice.

The prejudice to the defendant is minimal because the government, itself, identified areas that may be relevant and material to the defense and provided the classified information to the defendant albeit in redacted or substituted form. Defendant’s section 5 notice principally follows the broad outlines of those government disclosures.

The government shall respond by October 6, 2023, to cleared counsel’s assertion that it has neither responded to the defendant’s motion to compel (ECF 559) nor provided a

proposed timeline for the production of additional classified documents. The government shall also provide a proposed timeline for its CIPA section 6 motion.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
September 28, 2023